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In re Application of : S. Mustafa
Application No. 09/848,670
Filed: May 4, 2001
For: SYSTEM AND METHOD FOR
ENCRYPTING AND DECRYPTING
INFORMATION THROUGH THE
USE OF RANDOM NUMBERS

MAILED

FEB 28 2002

Technology Center 2100

**DECISION ON PETITION
TO MAKE SPECIAL**

This is a decision on the petition to make special filed January 28, 2002. In light of the content of the petition, it will be treated first under 37 C.F.R. §102(b), and then 37 C.F.R. §102(d) in view of M.P.E.P. §708.02(XI): Inventions For Countering Terrorism.

37 C.F.R. §102(b) states:

(b) Applications wherein the inventions are deemed of peculiar importance to some branch of the public service and the head of some department of the Government requests immediate action for that reason, may be advanced for examination.

Petitioner's submission fails to meet the criteria set out in 37 C.F.R. §102(b). There is no record of a department head of government requesting immediate action on this case due to the peculiar importance of the invention.

Next, M.P.E.P. §708.02 (XI), which sets out the prerequisites for a grantable petition for Inventions For Countering Terrorism under 37 C.F.R. § 102(d), states in relevant part:

International terrorism as defined in 18 U.S.C. 2331 includes "activities that - (A) involve violent acts or acts dangerous to human life that are a violation of the criminal laws of the United States or of any State, or that would be a criminal violation if committed within the jurisdiction of the United States or of any State; [and] (B) appear to be intended - (i) to intimidate or coerce a civilian population; (ii) to influence the policy of a government by intimidation or coercion; or (iii) to affect the conduct of a government by assassination or kidnapping..." The types of technology for countering terrorism could include, but are not limited to, systems for detecting/identifying explosives, aircraft sensors/security systems, and vehicular barricades/disabling systems.

Applicants who desire that an application relating to inventions for countering terrorism be made special should file a petition with the petition fee under 37 CFR 1.17(h) requesting the Patent and Trademark Office to make the application special. The petition for special status should be accompanied by a statement explaining how the invention contributes to countering terrorism.

Petitioner's submission fails to meet the criteria set out with respect to countering terrorism in M.P.E.P. §708.02(XI). The claimed invention is directed to encrypting and decrypting information which does not directly relate to countering violent acts or acts dangerous to human life intended to intimidate a population or influence the policy or conduct of a government. While applicant indicates that the invention is strategically important to national security, this does not persuasively establish that the invention represents an advancement in the field of countering terrorism. Finally, no petition fee has been submitted as per 37 C.F.R. 1.17(h).

Accordingly, the petition is **DISMISSED**. The application file is being forwarded to Central Files to await examination in its proper turn based on its effective filing date. Any request for reconsideration must be filed within TWO MONTHS of the mailing date of this decision.

It is suggested that applicant review M.P.E.P. §708.02 regarding other grounds available for filing a petition to make special. In particular, note M.P.E.P. §708.02(VIII): Accelerated Examination, which does not place limitations on the subject matter of the application.



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